

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

AUTOSCRIBE CORPORATION,

Plaintiff,

v.

M&A VENTURS, LLC,

Defendant.

CIVIL ACTION FILE

No. 1:24-CV-4282-SCJ

ORDER

Pursuant to Federal Rule of Civil Procedure 53(a), the Court may appoint a Special Master to hold trial and proceedings and to make or recommend findings of fact on issues to be decided by the Court without a jury if the appointment is warranted by exceptional circumstances. In this case, there is one patent-in-suit, U.S. Patent No. 11.620,621 (the "'621 patent"), which is titled "Enrolling a payer by a merchant server operated by or for the benefit of a payee and processing a payment from the payer by a secure server." Doc. No. [36], 4. After review of the Joint Claim Construction and Prehearing Statement,<sup>1</sup> the

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<sup>1</sup> This action was transferred to this Court from the Eastern District of Texas on

Court believes that the claim construction issues in this case will be more expeditiously and thoroughly addressed by the appointment of a special master such that the exceptional circumstances threshold is met.

If the Court appoints a Special Master, the Master shall preside over the Markman hearing in this case and submit a Report and Recommendation on claim construction to the Court. The sequence in which the parties may present arguments and the manner of presentation of evidence at the Markman hearing will be determined by the Special Master. The Court will allow the Parties to confer with the Special Master to schedule a date for the Markman hearing, but the Court will require the Markman hearing to take place no later than Tuesday April 8, 2025.

The purpose of this Order is to give the Parties notice of the Court's intent and opportunity to be heard. The Parties are therefore DIRECTED to submit

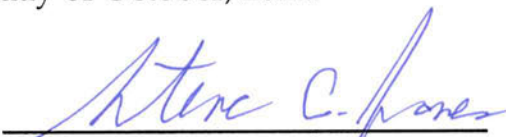
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September 24, 2024. Doc. No. [105]. The Texas Court had scheduled a claim construction hearing for October 21, 2024, and in an effort to keep the case on a similar track, this Court preliminarily set a hearing date for November 13, 2024. However, after a thorough review of the Parties' Disputed Claim Terms and Evidence (Doc. No. [98-1]), the Court has made the above-determination regarding the need for a Special Master. Therefore, claim construction hearing scheduled for November 13, 2024 is **VACATED**.

briefs to the Court no later than Friday, November 8, 2024, discussing any objections they may have to the appointment of a Special Master.

Before submitting their briefs, the Parties shall confer and attempt to agree upon a candidate or a list of candidates to serve as the Special Master in this case. If the Parties cannot agree upon a candidate or a list of candidates, the Parties may submit their own proposals regarding candidates. The names of suggested candidates together with their qualifications shall be included in the Parties' briefs. If the Parties cannot agree on a candidate or a list of candidates, the briefs shall include an explanation as to why they object to the other Party's candidate(s). To provide the Parties with some guidance in their conference, the Court suggests that the Parties give preference to candidates who specialize in the relevant technology and who live in or near Atlanta to minimize costs and avoid undue delay.

IT IS SO ORDERED this 8th day of October, 2024.

  
HONORABLE STEVE C. JONES  
United States District Judge